

ARGUMENTS/REMARKS

The specification has been amended to address the informalities and the claims have been amended by rewriting claims 1, 12, and 18. Claims 1-20 remain in the application. In light of the amendments, reconsideration of this application is respectfully requested.

Claims 1, 12 and 18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Malkamaki (USPN 5,577,024). Claims 10, 11, 13 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Malkamaki in view of Kim (USPN 6,172,971). Claims 1-9, 12, 14-16, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eng (USPN 6,370,153) in view of Petranovich (USPN 5,946,624). Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eng in view of Petranovich as applied to claims 1-9, and further in view of Kim. After a careful review of Malkamaki, Eng, Petranovich, and Applicants' claims, it is believed that the rejections are in error and the rejections are, therefore, traversed.

Relating to Claims 1, 12, and 18, Applicants have amended the claims to more clearly point out that Applicants' claimed invention is limited to dividing slots by *both time and frequency*. Although Malkamaki does discuss subdividing slots by time, frequency, and spreading codes, Malkamaki does not describe subdividing slots by both time and frequency as in Applicants' claimed invention. As amended, Applicants' claimed invention requires such a limitation and since such a limitation is missing from Malkamaki, a rejection of Claims 1, 12, and 18 under 35 USC § 102(b) is improper.

Relating to Claims 10, 11, 13, and 17, Malkamaki does not teach or suggest the amended limitations. From the detailed description in Malkamaki, it is clear that Malkamaki was attempting to list all possible solutions for providing orthogonality and since Malkamaki was attempting to list all possible solutions for providing orthogonality, the fact that Malkamaki does not teach or suggest the combination of time and frequency is an indication that the combination is not obvious. Thus, Applicants' argue that the amended claims are not taught or suggested by Malkamaki. Since the amended claims are not taught or suggested by Malkamaki, a rejection under 35 USC § 103 is improper. Further, since the amended claims are not taught or suggested by Malkamaki, Malkamaki in combination with Kim is also an improper basis for rejection of Applicants' claims.

Relating to Claims 1-9, 12, 14-16, and 18-20, neither Eng nor Petranovich teach or suggest Applicants' claimed invention, namely the limitations relating to subslots. Petranovich refers to frequencies but never dividing the frequencies into subslots. The same is true of Eng. Since neither Petranovich nor Eng teach essential limitations of Applicants' claimed invention, the combination of Petranovich with Eng and Kim also fails for the same reason. Thus, a rejection under 35 USC § 103 is improper and should be withdrawn.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117**.

Respectfully submitted,

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